1	SEYFARTH SHAW LLP Bryan O'Keefe ( <i>Pro Hac Vice Application</i> ).	Forthcoming)
2	bokeefe@seyfarth.com 975 F Street, NW	Tormcoming)
3	Washington, DC 20004 Telephone: (202) 463-2400	
4	Facsimile: (202) 828-5393	
5	SEYFARTH SHAW LLP	
6	Pamela L. Vartabedian (SBN 251133) pvartabedian@seyfarth.com	
7	560 Mission Street, 31st Floor San Francisco, California 94105	
8	Telephone: (415) 397-2823 Facsimile: (415) 397-8549	
9 10	Attorneys for Defendants IOX, LLC BY REMPREX, LLC	
10	and FRANCO HERRERA	
12	UNITED S'	TATES DISTRICT COURT
13		ERN DISTRICT OF CALIFORNIA
14		
15	DANIEL BRADSHAW,	) Case No
16	Plaintiff,	) )
17	V.	<ul><li>DEFENDANT IOX, LLC BY REMPREX,</li><li>LLC 'S NOTICE OF REMOVAL</li></ul>
18	FRANCO HERRERA, IOX, LLC BY REMPREX, LLC and DOES 1 TO 20,	
19	Defendants.	
20		) )
21		) )
22		
23		
24		
25		
2.		
26		
<ul><li>26</li><li>27</li><li>28</li></ul>		

DEFENDANT IOX, LLC BY REMPREX, LLC'S NOTICE OF REMOVAL / CASE NO. \_\_\_\_\_\_81816720v.1

Defendant IOX, LLC By Remprex, LLC ("IOX") by its attorneys, Seyfarth Shaw LLP, and pursuant to 28 U.S.C. §§ 1331, 1337 1441 and 1446, file this Notice of Removal with respect to the case identified as *Daniel Bradshaw v. Franco Herrera, et al.*, Index No. C22-00422, from the Superior Court of California, County of Contra Costa. In support of this Notice, IOX states as follows:

#### THE SUMMONS AND COMPLAINT

- 1. On or about March 9, 2022, plaintiff Daniel Bradshaw ("Plaintiff") commenced a civil action by filing a Summons, Complaint, and Cause of Action in the Superior Court of California, County of Contra Costa, naming IOX as a defendant.
- 2. On March 9, 2022, IOX's registered agent received a copy of the Summons, Complaint and Cause of Action by personal service.
- 3. A true and correct copy of the Summons, Complaint and Cause of Action is annexed hereto as Exhibit A; pursuant to 28 U.S.C. § 1447(b), the Summons, Complaint and Cause of Action constitute "all records and proceedings" in the state court.

#### **TIMELINESS OF REMOVAL**

4. This Notice of Removal is timely filed pursuant to 28. U.S.C. § 1446(b), having been filed within thirty (30) days after IOX's initial receipt of the Summons, Complaint and Cause of Action, which is the "pleading from which it may first be ascertained that the case is one which is . . . removable." 28 U.S.C. § 1446(b).

#### **BASIS FOR REMOVAL**

5. Pursuant to 28 U.S.C. §§ 1331 and 1337, original jurisdiction exists in this Court. Plaintiff's cause of action is a tort claim arising on a "federal enclave" over which federal courts have federal question jurisdiction. *See Durham v. Lockheed Martin Corp.* 445 F.3d 1247, 1250 (9th Cir. 2006); *Willis v. Craig*, 555 F.2d 724, 726 n.4 (9th Cir. 1977). According to the Complaint, the nature and substance of the Plaintiff's cause of action states that Plaintiff, a UPS employee, was allegedly injured at a train yard located at 1601 Atlas Road, Richmond, County of Contra Costa, State of California. Specifically, Plaintiff alleges that he suffered injuries when a shipping container that was being picked up and transferred to a trailer from a train by a crane operated by defendant Franco

Herrera, fell on Plaintiff's vehicle and injured Plaintiff	Plaintiff alleges	that the containe	r was not
properly secured by the crane operator.			

- According to the Complaint, the alleged accident occurred on the train yard which, upon
- Accordingly, this case is a civil action founded on a claim or right arising under the laws of the United States and Acts of Congress regulating Commerce over which this Court has original jurisdiction, and is therefore one which may be removed from the Superior Court of California, County of Contra Costa, pursuant to 28 U.S.C. §§ 1337 and 1441.
- No other process, pleadings or orders have been served upon IOX. See 28 U.S.C. § 1446(a). As required by § 1446(b), certified or attested copies of all records, proceedings, and docket entries in state court will be filed with this Court within thirty (30) days of this Notice of Removal.
- Pursuant to § 1446(d), IOX shall promptly give written notice hereof to all adverse parties and file a copy of this Notice of Removal with the Superior Court of California, County of Contra Costa, located at 725 Court Street, Martinez, California 94553, notifying that court of this removal. A copy of the state court notice to be filed (without exhibits) is attached hereto as Exhibit B.

WHEREFORE, Defendant IOX hereby effects the removal of the cause and requests that this Court maintain jurisdiction over it provided by law.

SEYFARTH SHAW LLP

/s/ Pamela L. Vartabedian Bryan O'Keefe (Pro Hac Vice Application forthcoming) Pamela L. Vartabedian

Attorneys for Defendants IOX, LLC BY REMPREX, LLC and FRANCO HERRERA

2

# Exhibit A

Exhibit A



### **Notice of Service of Process**

TMM / ALL

Transmittal Number: 24595969 Date Processed: 03/11/2022

**Primary Contact:** 

Aleksandra Siurek Remprex, LLC 4343 Commerce Ct Ste 300 Lisle, IL 60532-3616

Electronic copy provided to:

Laura Plocinski

Entity:

lox, LLC

Entity ID Number 4128290

**Entity Served:** 

IOX, LLC By Remprex, LLC

Title of Action:

Daniel Bradshaw vs. Franco Herrera

Document(s) Type:

Summons/Complaint

Nature of Action:

Personal Injury

Court/Agency:

Contra Costa County Superior Court, CA

Case/Reference No:

C22-00422

Jurisdiction Served:

California

Date Served on CSC:

03/09/2022

Answer or Appearance Due:

30 Days

Originally Served On:

CSC

How Served:

Personal Service

Sender Information:

Boxer & Gerson LLP

510-835-8870

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

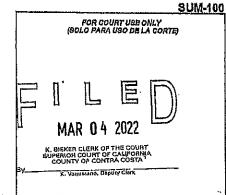
To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

#### SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: FRANCO HERRERA, IOX, LLC BY (AVISO AL DEMANDADO): REMPREX, LLC and DOES 1 TO 20

YOU ARE BEING SUED BY PLAINTIFF: DANIEL BRADSHAW (LO ESTÁ DEMANDANDO EL DEMANDANTE):



Www.courlinio.co.gov Wortlow Doo& Form Builder

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 20 days. Read the information

below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter of phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and mere information at the California Courte Chiling Belf-Help Center (www.courtinfo.ca.gov/seifhe/p), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form, if you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal cervices program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpasifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county ber association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

JAVISOI Lo han demandado. Si no responde dentro de 30 dias, is corte puede decidir en su contra sin escuchar su versión. Les la información a continuación.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llemada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que ustad pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de Celifornia (www.eucorte.ca.gov), en la biblioteca de leyes de su condado-o en la corte que la queda más cerca. Si no puede pagar la cuata de presentación, pida al secretario de la corte que le dá un formulario de exención de pago de cuotas. Si no presenta su respuesta e tiempo, puede perder el caso por incumplimiento y la corte le podrá quiter su suelcio, dinero y bienes sin más advertencia.

Hay atros requisitos legales. Es recomendable que lleme a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abojados. Si no puede pagar a un abogado, es posible que cumple con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpoallifornia.org), en el Centro de Ayuda de las Cortes de California, (www.lawhelpoallifornia.org), en el Centro de Ayuda de las Cortes de California (www.lawhelpoallifornia.org), en el Centro de lavor en el contra esto de contra esto de california las cortes exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda descohar el caso. pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the	pourt le:	CAGE NUMBER:
(El nombre y dirección de la c	orte es):	(Nûmero del Gaso):
Superior Court of Califor 725 Court Street	nia. County of Contra Costa	C22 - 00422
Martinez, California 945	53	
The name, address, and telep	none number of plaintiffe attorney, or plaintiff without an att	AMAN IN CADVO DOTTI Da
(El nombre, la dirección y el n	îmero de teléfono del abogado del demandante, o del dem	endente que no tiene chonedo, not
BOXER & GERSON LL	P	andano doo no nono anogano, asy,
	PLZ, STE 500, OAKLAND, CA 94612	(510) 005 gara
	the contract of the contract o	(510) 835-8870
(Fecha) MAR 0 4 LULI		AQUERANU Deputy (Adjunto)
(For proof of service of this sui	nmons, use Proof of Service of Summons (form POS-010).	)
(Para prueba de entrega de es	te citatión use el formulario Proof of Service of Summons,	(POS-010)).
(SEAL)	NOTICE TO THE PERSON SERVED: You are served	•
famini	ae an individual defendant.	
1	2 as the person sued under the flotitious name of	(specify):
1		,
	3. X on behalf of (specify): OX, LLC BY F	REMPREX, LLC
	under: CCP 416.10 (corporation)	CCP 416.60 (mlnor)
1 .	GCP 416.20 (defunct corporation)	
		CCP 416.70 (conservates)
1	GOP 416.40 (association or partnership	CCP 418.90 (authorized person)
	XX other (specify): CCP 17701,1	6 LLC
	4 by personal delivery on (date):	
Form Adopted for Mandatory Use	SUMMONS	Page 1 of 1
Judiolof Council of California	COMMINIONA	Code of CNII Procedure 69 412.20, 486 Www.countinfo.co.gov
8UM-100 (Rev. July 1, 2008)		Wastlaw Dog & Form Builder

	PLD-PI-001
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar numbor, and actional).  "GARY B. ROTH, Esq. SBN: 248031  BOXER & GERSON LLP	FOR GOURT USB ONLY
300 FRANK H OGAWA PLZ, STE 500 OAKLAND, CA 94612	
TELEPHONE NO: (510) 835-8870 FAX NO. (Optional): (510) 835-0415	
E-MAIL ADDRESS (Optionally groth@boxerlaw.com	
ATTORNEY FOR (Name): Daniel Bradshaw	[p 04 2022
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS 725 Court Street	MAR U4 ZUZZ
MAILING ADDRESS: Same As Above	K. BIEKER CLEAK OF THE COURT SUPERIOR COURT OF CALIFORNA COUNTY OF CONTRA COSTA
GITY AND ZIP GODE: Martinez, 94553	By K Vaquetano, Dapuny Closs
BRANCH NAME: Wakefield Taylor Courthouse PLAINTIFF: DANIEL BRADSHAW	THE CONTRACT
LEGISALIST DYTATED DYTATED AA	PER LOCAL RULE, THIC CASE IS ASSIGNED TO CASE IS ASSIGNED TO
DEFENDANT: FRANCO HERRERA, IOX, LLC BY REMPREX,	CASE IS ASSAULT
LLC, and	PURFOSES
X DOES 1 TO 20	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death  AMENDED (Number):	
Type (check all that apply):	SUMMONS IBSUED
MOTOR VEHICLE X OTHER (specify): Property Damage Wrongful Death	20MMO. 190 1.
X Personal injury Other Damages (specify):	
Jurisdiction (chack all that apply):	CASE NUMBER:
AGTION IS A LIMITED CIVIL CASE Amount demanded does not exceed \$10,000	
exceeds \$10,000, but does not exceed \$25,000	,
X ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) ACTION IS RECLASSIFIED by this amended complaint	C22-00422
from limited to unlimited	
from unlimited to limited	L.,
1. Plaintiff (name or names): Daniel Bradshaw	TT Charles TT C 1
alleges causes of action against defendant (name or names): Franco Herrera, IOX, DOES 1 to 20	, LLC by Remprex, LLC and
2. This pleading, including attachments and exhibits, consists of the following number of page	ges:
3. Each plaintiff named above is a competent adult	
a except plaintiff (name):  (1) a corporation qualified to do business in California	
(2) an unincorporated entity (describe):	•
(3) a public entity (describe):	
(4) a minor an adult (a) for whom a guardian or conservator of the estate or a guard	tian ad litem has been ennointed
(b) other (specify):	and the state of t
(5) cther (speolfy):	
b. scept plaintiff (name):  (1) a corporation qualified to do business in California	·
(2) an unincorporated entity (describe):	
(3) a public entity <i>(describe):</i> (4) a minor an adult	
(4) a minor an adult  (a) for whom a guardian or conservator of the estate or a guar	dian ad litem has been appointed
(b) cther (specify):	
(5) ather (specify):	
Information about additional plaintiffs who are not competent adults is shown in Atta	schment 3.

			PLD-PI-001
8H	ORT TITLE: BRADSHAW v. HERRERA, et al.		OASE NUMBER:
<u> </u>		****	
4.	Plaintiff (name):		
	is doing business under the flotitious name (specify):		
	and has possibled with the fieldings havings name laws		
5. F	and has complied with the ficilitious business name laws, ach defendant named above is a natural person	•	
a		c. axcept defend	dant <i>(name);</i>
	(1) a business organization, form unknown		usiness organization, form unknown
	<ul> <li>(2) a corporation</li> <li>(3) X an unincorporated entity (describe):</li> </ul>		orporation unincorporated entity (describe);
•	Limited Liability Company	(0) <u>[]</u> and	at intest portion of they (ordering).
	(4) a public entity (describe):	(4) a pu	ublic entity <i>(describe):</i>
		·	
	(5) other (specify):	(5) othe	er (specify):
b	The state of the s	d. except defen	
	(1) a business organization, form unknown (2) a corporation		usiness organization, form unknown orporation
	(3) an unincorporated entity (describe):		unincorporated entity (describe):
	(4) a public entity (describe):	(4) <u>a p</u>	ublic entity (describe);
	(6) other (specify):	(5) oth	er (specify):
	information about additional defendants who are not nate	ural persons la contained	l in Attachment 5.
в.	The true names of defendants sued as Does are unknown to	plaintiff.	
	Doe defendants (specify Doe numbers):     named defendants and acted within the scope of the	we at agency or employmen	re the agents or employees of other t.
	b. X Doe defendants (specify Doe numbers): 1 to 20		persons whose capacities are unknown to
7	plaintiff.	ura acalien 300 ara /nom	anh
7.	Defendants who are joined under Code of Civil Procedu	ite section 302 ata (nam	es):
	•	_	-
n	This payed is the premay south because		
8.	This court is the proper court because  a. X at least one defendant now resides in its jurisdiction	al area	
	b. the principal place of business of a defendant corpo		association is in its jurisdictional area.
	c. X injury to person or damage to personal property out		
	.d other (specify):		
	•		
9.	X Plaintiff is required to comply with a claims statute, and		·
	a. X has compiled with applicable claims statutes, or		
	b. is excused from complying because (specify):	•	

	PLD-PI-001
SHORT TITLE: BRADSHAW v. HERRERA, et al.	OABE NUMBER:
,	·
10. The following causes of action are attached and the statements above apply causes of action attached):  a Motor Vehicle  bX General Negligence  c Intentional Tort  d Products Liability  e Premises Liability  f Other (specify):	to each (each complaint must have one or more
11. Plaintiff has suffered  a. X wage loss  b. loss of use of property  c. X hospital and medical expenses  d. X general damage  e. property damage  f. X loss of earning capacity  g. X other damage (specify): Prejudgment interest according to 1 further relief as is just and proper.	aw; costs of suit; and, such other and
12 The damages claimed for wrongful death and the relationships of plain a listed in Attachment 12. b as follows:	ilff to the deceased are
•	
13. The relief sought in this complaint is within the jurisdiction of this court.	
14. Plaintiff prays for judgment for costs of suit; for such relief as le fair, just, ar a. (1) X compensatory damages  (2) punitive damages  The amount of damages is (In cases for personal injury or wrongiul deal (1) X according to proof  (2) In the amount of: \$  15. The paragraphs of this complaint alleged on information and belief are	ih, you must check (1));
Date: March 3, 2022  GARY B. ROTH  (TYPE OR PRINT NAME)	AGIGNATURE OF PLAINTIFF OR ATTORNEY)

	PLD-PI-001(2)
T TITLE: BRADSHAW v. HERRERA, et al.	QAGE NUMBER:
FIRST CAUSE OF ACTION—Ge	eneral Negligence Page 4
ATTACHMENT TO X Complaint Cross - Complaint	
(Use a separate cause of action form for each cause of action.)	
GN-1. Plaintiff (name): DANIEL BRADSHAW	
alleges that defendant (name): FRANCO HERRERA, IOX	K. LLC BY REMPREX, LLC, and
X Does1 to20	٦.
was the legal (proximate) cause of damages to plaintiff. By the fo negligently caused the damage to plaintiff on (date): March 8, 2021	liowing acts or omissions to act, defendant
at (place): or near 1601 Atlas Road, Richmond, Californ	nia
(description of reasons for liability):	
Venue in this civil action is proper in the County of Contra C section 395(a) as this action has been instituted in the Superior C Costa County is the county where the injury occurred.  The events described herein occurred on or about March 8, 20 County of Contra Costa, State of California;	Court in and for the County of Contra Costa, and Contra 021 at a trainyard located at 1601 Atlas Road, Richmond
Plaintiff Daniel Bradshaw was at all times herein mentioned	

Rafael, County of Marin, State of California; at all times herein mentioned plaintiff Daniel Bradshaw was an employ UPS, 1601 Atlas Road, Richmond, California 94806 and was within the course and scope of his employment.

At all times herein mentioned defendant Franco Herrera was an employee of defendant IOX, LLC by Remprex, LLC and upon information and belief a resident of Contra Costa County, State of California.

At all times herein mentioned defendant IOX, LLC by Remprex, LLC was a business entity incorporated under the laws of the State of Illinois and registered to do business and doing business in the State of California.

On or about March 8, 2021, while plaintiff Daniel Bradshaw was working at a trainyard for UPS located at 1601 Atlas Road, Richmond, California, plaintiff Daniel Bradshaw suffered injuries when a shipping container being picked up and transferred to a trailer from a train by crane operator defendant Franco Herrera fell on the vehicle operated by plaintiff Daniel Bradshaw as he waited to move the loaded trailer to an alternate location. Plaintiff is informed and believes that the shipping container fell on his vehicle resulting in injuries to Daniel Bradshaw on March 8, 2021 because it was not properly secured by the crane operator Franco Herrera while it was being transferred.

As a legal result of the acts of and/or omissions of defendants, and each of them, plaintiff was hurt and injured in his health, strength and activity, sustained injury to his body and shook and injury to his nervous system and person, all of which have caused him great mental and physical pain, suffering, and emotional distress, will in the future cause him permanent disability, and have resulted in general damages in an amount in excess of the jurisdictional minimum of this Court; plaintiff was and is required to employ physicians, surgeons, and other health care providers to examine, treat, and care for him, and to incur medical and related expenses in an amount in excess of the jurisdictional minimum of this Court; plaintiff was prevented from attending to his usual occupation, sustaining loss of earnings, loss of earning capacity, vocational rehabilitation expenses, and other economic losses in an amount in excess of the jurisdictional minimum of this Court.

SUPERIOR COURT - MARTINEZ COUNTY OF CONTRA COSTA MARTINEZ, CA, 94553

BRADSHAW VS FRANCO HERRERA, IOX, LLC

NOTICE OF CASE MANAGEMENT CONFERENCE

CIVMSC22-00422

1. NOTICE: THE CASE MANAGEMENT CONFERENCE HAS BEEN SCHEDULED FOR:

DATE: 07/20/22

DEPT: 07

TIME: 8:30

THIS FORM, A COPY OF THE NOTICE TO DEFENDANTS, THE ADR INFORMATION SHEET, A BLANK CASE MANAGEMENT CONFERENCE QUESTIONNAIRE, AND A BLANK STIPULATION FORM ARE TO BE SERVED ON OPPOSING PARTIES. ALL PARTIES SERVED WITH SUMMONS AND COMPLAINT/CROSS-COMPLAINT OR THEIR ATTORNEY OF RECORD MUST APPEAR.

- 2. You may stipulate to an earlier Case Management Conference. If all parties agree to an early Case Management Conference, please contact the Court Clerk's Office at (925)608-1000 for Unlimited Civil and Limited Civil cases for assignment of an earlier date.
- 3. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference and to discuss the suitability of this case for the EASE Program, private mediation, binding or non-binding arbitration, and/or use of a Special Master.
- 4. At any Case Management Conference the court may make pretrial orders including the following:
  - a. an order establishing a discovery schedule
  - b. an order referring the case to arbitration
  - c. an order transferring the case to limited jurisdiction
  - d. an order dismissing fictitious defendants
  - e. an order scheduling exchange of expert witness information
  - f. an order setting subsequent conference and the trial date
  - g. an order consolidating cases
  - h. an order severing trial of cross-complaints or bifurcating
  - i. an order determining when demurrers and motions will be filed

#### SANCTIONS

If you do not file the Case Management Conference Questionnaire or attend the Case Management Conference or participate effectively in the Conference, the court may impose sanctions (including dismissal of the case and payment of money).

Clerk of the Superior Court of Contra Costa County I declare under penalty of perjury that I am not a party to this action, and that I delivered or mailed a copy of this notice to the person representing the plaintiff/cross-complainant.

Dated: 03/04/22

K. VAQUERANO Deputy Clerk of the Court

## Superior Court of California, County of Contra Costa

### **Interpreter Request**

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom. Case Number: Case Type: ☐ Small Claims – (\$10,000 or less) ☐ Criminal ☐ Traffic ☐ Civil - ☐ \$25,000 ☐ over \$25,000 Civil - Other\_\_\_\_ ☐ Civil Harassment ☐ Conservatorship ☐ Family Law ☐ Proceedings to terminate parental rights ☐ Unlawful Detainer ☐ Guardianship Dependent Adult Abuse ☐ Juvenile ☐ Elder Abuse Party Requesting Interpreter: Is interpreter for a witness? ☐ Yes ☐ No Phone Number(s) where party can be reached: Date of Hearing: \_\_\_\_\_ Time of Hearing: \_\_\_\_\_ Department: \_\_\_\_\_ Location: Martinez Pittsburg Richmond Walnut Creek Language Needed: ☐ Spanish ☐ Mandarin ☐ Cantonese ☐ Vietnamese Other: To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website: www.cc-courts.org/interpreter

#### Superior Court of California, County of Contra Costa

#### Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentario en cualquier ventanilla para archivar documentos o con la secretaria del tribunal. Número de Caso: Tipo de Caso: ☐ Demanda Civil – (\$10,000 o menos) ☐ Criminal ☐ Tráfico ☐ Demanda Civil -☐ \$25,000 ☐ más de \$25,000 ☐ Acoso Civil ☐ Civil – otro tipo ☐ Conservador ☐ Casos de Familia ☐ Casos para Terminar Derechos de Madre o Padre ☐ Julcio de Desalojo ☐ Abuso de Adultos Incapacitados ☐ Tutela ☐ Tribual de Menores ☐ Abuso de Personas Mayores Persona que Necesita Intérprete: \_\_\_ ☐ Marque aquí si esta persona es un testigo Número Telefónico: Fecha de la Audiencia Judicial: \_\_\_\_\_ \_\_\_\_\_ Hora: \_\_\_\_\_ Departmento: Cludad: Martinez Departmento: Richmond Walnut Creek Idioma Solicitado: 

Español 

Mandarín 

Cantonés 

Vietnamita Otro Idioma: Para evitar la posibilidad que su audiencia sea aplazada, favor the presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web:

MC-300a&s Rev. 1/24/18

www.cc-courts.org/interpreter -

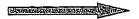
#### Superior Court of California, County of Contra Costa

#### NOTICE TO DEFENDANTS

In Unlimited Jurisdiction Civil Actions

YOU ARE BEING SUED. The packet you have been served should contain:

- a. The Summons
- b. The Complaint
- c. The Notice of Case Management (shows hearing date and time)
- d. Blank: Case Management Statement (Judicial Council Form CM-110)
- e. <u>Blank</u>: Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b)
- f. Alternative Dispute Resolution (ADR) Information (Local Court Form CV-655c-INFO)



#### WHAT DO I DO NOW?



#### You must:

- 1. Prepare your response YOU COULD LOSE YOUR CASE—even before it is heard by a judge or before you can defend yourself, if you do not prepare and file a response on time. See the other side of this page for types of responses you can prepare.
- 2. Complete the Case Management Statement (CM-110)
- 3. File and serve your court papers on time Once your court forms are complete, you must file 1 original and 2 copies of the forms at court. An adult who is NOT involved in your case must serve one set of forms on the Plaintiff. If you were served in person you must file your response in 30 days. If the server left a copy of the papers with an adult living at your home or an adult in charge at your work or you received a copy by mail you must file your response in 40 days.
- 4. Prove you served your court papers on time by having your server complete a Proof of Service, (Judicial Council form POS-040), that must be filed at the court within 60 days.
- 5. Go to court on the date and time given in the Notice of Case Management Conference.
- 6. Consider trying to settle your case before trial if you and the other party to the case can agree to use mediation, arbitration or neutral case evaluation, the <u>Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days</u> can be filed with your other papers. For more information read the enclosed ADR information, visit www.co-courts.org/adr, or email adrweb@contracosta.courts.ca.gov.

IMPORTANT! The court recommends consulting an attorney for all or part of your case. While you may represent yourself, lawsuits can be complicated, and the court cannot give you legal advice.

<u>COURT FEES:</u> You must pay court fees the first time you file your papers. If you also file a motion, you must pay another fee. If you cannot afford the fees, you may ask the court to waive (allow you not to pay) fees. Use Judicial Council forms FW-001-INFO [Information sheet]; FW-001 [application]; and FW-003 [order].

**COURT FORMS:** Buy forms at the Law Library (1020 Ward Street, Martinez, CA) or download them for free at: <a href="https://www.courtinfo.ca.gov/forms/">www.courtinfo.ca.gov/forms/</a>

#### WHAT KIND OF RESPONSES CAN I FILE?

- 1. If you disagree with some or all of what the plaintiff says in the complaint because you believe, or know it is not true, you can file an <u>ANSWER</u>.
- 2. If you have a claim in the same case against the plaintiff, you may file a CROSS-COMPLAINT.
- 3. If you want to ask the court to do something on your behalf, you may file a MOTION (See TYPES OF MOTIONS below)

#### HOW DO'I PREPARE AN ANSWER?

There are two kinds of Answers you can use, depending on whether the Complaint was verified. You can tell if a Complaint is verified because it says "Verified Complaint" and/or has a signed oath on the last page.

#### For complaints that are NOT verified:

Use Judicial Council form PLD-050 - General Denial

#### For complaints that ARE verified:

- a. For personal injury, property damage, and wrongful death claims, use Judicial Council PLD-Pi-003 (do not check number 2).
- b. For contract claims, use Judicial Council PLD-C-010 (do not check number 3a).
- c. Be sure to deny <u>every</u> claim with which you disagree. For example, you might write: "I believe, or know, that the information in paragraph #\_\_ is untrue/incorrect." Continue your list until you have addressed each paragraph in the Complaint.

**NOTE:** The Judicial Council Answer forms have spaces for your affirmative defenses. Be sure to include them or you may not be able to use them later. To find out what your affirmative defenses might be, go to the law library and ask the librarian to help you find the information you need.

If you want to file a Cross-Complaint, you must do so at the same time you file the Answer.

- a. For a personal injury, property damage, and/or wrongful death Cross-Complaint, use Judicial Council form PLD-PI-002.
- b. For a contract Cross-Complaint, use Judicial Council PLD-C-001.

#### TYPES OF MOTIONS

Written motions are documents that ask the court to do something. You may have to file an *Answer* at the same time. At this point in the case, you can only make Motions from the following list:

- 1. Demurrer (the facts stated in the complaint are wrong, or the deadline to file the lawsuit has passed);
- 2. Motion to Strike (the complaint is unclear, does not follow the law, "doesn't matter", etc.);
- 3. Motion to Transfer (the complaint is in the wrong court or there's a more appropriate court);
- 4. Motion to Quash Service of Summons (you were not legally served);
- 5. Motion to Stay (put the case on hold); or
- 6. Motion to Dismiss (stops the case).

NOTE: Motions are very complicated and you may want to hire a lawyer to help you.

#### WHERE CAN I GET MORE HELP?

Lawyer Referral Service: (925) 825-5700

Bay Area Legal Aid: (800) 551-5554

Contra Costa County Law Library Martinez: (925) 646- 2783 Richmond: (510) 374-3019

Ask the Law Librarian: www.247ref.org/portal/access\_law3.cfm

# SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA

Plaintiffs	) / Cross Plaintiff(s)		
vs.	•	DR Case Management Stip (Unlimited Jurisdiction	
Defendant(s) /	Cross Defendant(s)	CASE NO:	
MUST SUBMIT THE ORDER FOR	THE JUDGE'S SIGNATU	R CASE MANAGEMENT CONFER RE AND FILE THIS FORM AT LEAD OT AVAILABLE IN COMPLEX LITIG	ST 15 DAYS
► PARTIES MUST ALSO SEND A C EMAIL adrweb@contracosta.court	OPY OF THIS <u>FILED</u> STIP s.ca.gov FAX: (925) 608-2	ULATION AND ORDER TO THE A 109 MAIL: P.O. BOX 911, MARTIN	DR OFFICE: NEZ, CA 94553
Counsel and all parties agree to delay ADR discovery as follows:	their case management c	onference 90 days to attend ADR	and complete pre-
iii. □ Neutral case evalua b. The ADR neutral shall be sele c. ADR shall be completed by (d) 2. The parties will complete the following a. □ Written discovery: (□ Ad i. □ Interrogatories to: ii. □ Request for Productiii. □ Request for Admiss iv. □ Independent Medica v. □ Other: b. □ Deposition of the following i	DR as follows:  urt-connected Cl Private) icial Arbitration (non-binding ation acted by (date):  late):  discovery plan: dditional page(s) attached) tion of Documents to: icions to: al Evaluation of:  parties or witnesses: (Cl A	g) □ Private (non-binding) □ P (no more than 14 days a _ (no more than 90 days after filling t	fter filing this form) his form)
<ol> <li>Counsel and self-represented parties ADR as provided in Title Three; Chap not, without good cause, comply with</li> </ol>	oter 5, will pay the fees ass	oclated with these services, and un-	derstand that if they do
Counsel for Plaintiff (print)	Fax	Counsel for Defendant (print)	Fax
Signature		Signature	
Counsel for Plaintiff (print)	Fax	Counsel for Defendant (print)	Fax
Signature		Signature	
Pursuant to the Stipulation of the parties the Case Management Conference set for (8:30 a.m. /) Plaintiff / Plain	, and subject to the Case Noris the counsel must notify	lanagement Order to be filed, IT IS s /acated and rescheduled for all parties of the new case mana	SO ORDERED thatat gement conference.
Dated:	<del></del> .	o anhui.	f the Superior Court

CM-110 ATTORNEY OR PARTY WITHOUT ATTORNEY (Nome, State Bar number, and address): FOR COURT USE ONLY FAX NO. (Optional): TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: CASE MANAGEMENT STATEMENT CASE NUMBER: **UNLIMITED CASE** LIMITED CASE (Check one): (Amount demanded is \$25,000 (Amount demanded exceeds \$25,000) A CASE MANAGEMENT CONFERENCE is scheduled as follows: Div.: Room: Date: Time: Dept.: Address of court (If different from the address above): Notice of Intent to Appear by Telephone, by (name): INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided. 1. Party or parties (answer one): a. This statement is submitted by party (name): This statement is submitted jointly by parties (names): 2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only) a. The complaint was filed on (date): b. The cross-complaint, if any, was filed on (date): 3. Service (to be answered by plaintiffs and cross-complainants only) a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed. The following parties named in the complaint or cross-complaint have not been served (specify names and explain why not): have been served but have not appeared and have not been dismissed (specify names): have had a default entered against them (specify names): The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served): 4. Description of case (Describe, including causes of action): ... cross-complaint complaint a. Type of case in

Page 1 of 8

•		CM-110
DI	PLAINTIFF/PETITIONER: EFENDANT/RESPONDENT:	CASE NUMBER:
4.	b. Provide a brief statement of the case, including any damages. (If personal injury of damages claimed, including medical expenses to date [indicate source and amount earnings to date, and estimated future lost earnings. If equitable relief is sought, described as a supplication of the case.)	nt], estimated future medical expenses, lost
5,	(If more space is needed, check this box and attach a page designated as Attach Jury or nonjury trial  The party or parties request a jury trial a nonjury trial. (If more than requesting a jury trial):	chment 4b.) one party, provide the name of each party
6.	Trial date  a The trial has been set for (date):  b No trial date has been set. This case will be ready for trial within 12 months not, explain):	of the date of the filing of the complaint (if
	c. Dates on which parties or attorneys will not be available for trial (specify dates and	d explain reasons for unavallability):
<b>7.</b>	Estimated length of trial  The party or parties estimate that the trial will take (check one):  a days (specify number):  b hours (short causes) (specify):	· , ,
8,	Trial representation (to be answered for each party)  The party or parties will be represented at trial by the attorney or party listed a. Attorney:  b. Firm: c. Address:	in the caption by the following:
	d. Telephone number: f. Fax number	
	e. E-mail address:  g. Party representation is described in Attachment 8.	sented:
9.	Preference This case is entitled to preference (specify code section):	
10	0. Alternative dispute resolution (ADR)	
	a. ADR information package. Please note that different ADR processes are available the ADR information package provided by the court under rule 3.221 of the Califor processes available through the court and community programs in this case.	able in different courts and communities; read ornia Rules of Court for information about the
	in rule 3.221 to the client and reviewed ADR options with the client.  (2) For self-represented parties: Party has has not reviewed the Alb. Referral to judicial arbitration or civil action mediation (if available).	rovided the ADR information package identified DR information package identified in rule 3.221.
	This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1775.3 because the ar statutory limit.	nount in controversy does not exceed the
	(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit Civil Procedure section 1141.11.	
	(3) This case is exempt from judicial arbitration under rule 3.811 of the California mediation under Code of Civil Procedure section 1775 et seq. (specify et al.)	fornia Rules of Court or from civil action exemption):

PLAINTIFF/PETITIONE EFENDANT/RESPONDE			CASE NUMBER:
. c. Indicate the ADR p have already partic	process or processes that the party cipated in <i>(check all that apply and</i>	or parties are willing to particl provide the specified informat	pate in, have agreed to participate in, or ion):
	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	participate in or have already	ing this form in the case have agreed to completed an ADR process or processes, esses (attach a copy of the parties' ADR
(1) Mediation		Mediation session not Mediation session sch Mediation complete m Mediation completed c	eduled for (date); edlation by (date);
(2) Settlement conference		Settlement conference Settlement conference Agreed to complete se	escheduled for ( <i>date</i> ): ettlement conference by ( <i>date</i> ):
. (3) Neutral evaluation		Neutral evaluation not Neutral evaluation sch Agreed to complete ne Neutral evaluation cor	eduled for (date): eutral evaluation by (date):
(4) Nonbinding judicial arbitration		Judicial arbitration not Judicial arbitration sch Agreed to complete ju Judicial arbitration cor	neduled for (date): dicial arbitration by (date):
(5) Binding private arbitration		Private arbitration not Private arbitration sch Agreed to complete private arbitration con	eduled for ( <i>date</i> ): rivate arbitration by ( <i>date</i> ):
(6) Other (specify):		ADR session not yet	

ADR completed on (date):

·	C[Vi=] ] U
PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	
44.	
11. Insurance	
a. Insurance carrier, if any, for party filing this statement (name):	
b. Reservation of rights: Yes No	
c. Coverage issues will significantly affect resolution of this case (explain):	٠.
	•
12. Jurisdiction	•
Indicate any matters that may affect the court's jurisdiction or processing of this case at	nd describe the status.
Bankruptcy Other (specify):	·
Status:	•
	. •
13. Related cases, consolidation, and coordination	
a. There are companion, underlying, or related cases.	
(1) Name of case;	
(2) Name of court:	
(3) Case number:	,
(4) Status:	
Additional cases are described in Attachment 13a.	
b. A motion to consolidate coordinate will be filed to	by (name party):
14. Bifurcation	
The party or parties intend to file a motion for an order bifurcating, severing, or c action (specify moving party, type of motion, and reasons):	cordinating the following issues or causes of
action (spacity moving party, type of motion, and reasons).	
•	•
4E Other metters	
15. Other motions	
The party or parties expect to file the following motions before trial (specify mov	ring party, type of motion, and issues):
·	
16. Discovery	
a. The party or parties have completed all discovery.	
b. The following discovery will be completed by the date specified (describe all	anticipated discovery):
Party Description	<u>Date</u>
, ————————————————————————————————————	
·	
c. The following discovery issues, including issues regarding the discovery of e	electronically stored information, are
anticipated (specify):	•
	·

		CIMILITY
PLAINTIFF/PETITIONER:	CASE NUMBER:	
EFENDANT/RESPONDENT:		
7. Economic litigation		
	( 000 or loss) and the economic litigation pro	scedures in Code
a This is a limited civil case (i.e., the amount demanded is \$25 of Civil Procedure sections 90-98 will apply to this case.	ooo or less) sind the economic ingelion pro	nedales ili code
b. This is a limited civil case and a motion to withdraw the case discovery will be filed (if checked, explain specifically why ea should not apply to this case):		
		•
•		
8. Other Issues		
The party or parties request that the following additional matters conference (specify):	be considered or determined at the case m	nanagement`
9. Meet and confer		
a. The party or parties have met and conferred with all parties of Court (if not, explain):	on all subjects required by rule 3.724 of the	California Rules
	. •	•
b. After meeting and conferring as required by rule 3.724 of the (specify):	e California Rules of Court, the parties agre	e on the following
•		
20. Total number of pages attached (if any):		
i am completely familiar with this case and will be fully prepared to discur as well as other issues raised by this statement, and will possess the aut the case management conference, including the written authority of the p	thority to enter into stipulations on these iss	spute resolution, ues at the time o
Date:		,
•	<b>L</b>	
(TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTO	RNEY)
(III a all III is siny		•
	, (SIGNATURE OF PARTY OR ATTO	RNEY)
(TYPE OR PRINT NAME)	Additional signatures are attached.	



# CONTRA COSTA COUNTY SUPERIOR COURT ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

All judges in the Civil Trial Delay Reduction Program agree that parties should consider using Alternative Dispute Resolution (ADR) to settle their cases. To tell the court you will use ADR:

- Choose ADR on the Case Management Form (CM-110);
- File a Stipulation and Order to Attend ADR and Continue First Case Management Conference 90-Days (local court form); or
- Agree to ADR at your first court appearance.

Questions? Email adrweb@contracosta.courts.ca.gov or call (925) 608-2075

#### MEDIATION

Mediation is often faster and less expensive than going to trial. Mediators help people who have a dispute talk about ways they can settle their case. Parties email, fax or visit the ADR Programs office to get a list of mediators. After parties have agreed on a mediator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the mediator at least 5 court days before mediation starts.

ALL parties and attorneys must go to mediation. Mediation can be held whenever and wherever the parties and the mediator want, as long as they finish before the court deadline. In some kinds of court cases, parties have the chance to mediate in the courthouse on their trial day.

Most mediators begin by talking with the parties together, helping them focus on the important issues. The mediator may also meet with each party alone. Mediators often ask parties for their ideas about how to settle the case. Some mediators tell the partles how much money they think a case is worth, or tell them what they think might happen if the case went to trial. Other mediators help the parties decide these things for themselves. No matter what approach a mediator takes, decisions about settling a case can only be made when all the parties agree.

If the parties go through the court ADR program, mediators do not charge fees for the first half hour spent scheduling or preparing for mediation. They also do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediators regular fees. Some mediators ask for a deposit before mediation starts. Mediators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the mediation. A party whose court fees have been waived (cancelled) may ask if their mediation fees or deposit can be waived.

If parties agree about how they will settle their case, they can choose to keep it private, write it up as a contract, or ask the judge to make it a court order. What parties say and agree to in mediation is confidential (private).

#### PRIVATE MEDIATION

Private mediation works in the same way as judicial mediation, but the parties do not go through the ADR Programs office. Parties choose a mediator on their own, and pay the mediator's normal fees.

#### JUDICIAL ARBITRATION (non-binding)

In judicial arbitration, an independent attorney (arbitrator) looks at the evidence, listens to the parties and their witnesses, and decides how the case will be settled. Judicial arbitration is less formal than court. Parties email, fax or visit the ADR Programs office to get a list of arbitrators. If they cannot agree on an arbitrator, the court will assign one. The judge can send cases to arbitration if there is less than \$50,000 in dispute. The person who started the court case can make sure the case goes to arbitration if they agree to limit the amount they are asking for to \$50,000. Parties can also agree they want to use judicial arbitration. The arbitrator must send their decision (award) to the court within 10 days of the last hearing. The award becomes a court judgment unless a party asks the court to review the case within 60 days. Parties must use the ADR-102 form to ask for a new court hearing (called a trial de novo.) Judicial arbitrators charge \$150 per case or per day.

#### PRIVATE ARBITRATION (non-binding and binding)

Private, non-binding arbitration is the same as judicial arbitration, except that the parties do not go through the ADR Programs office to choose an arbitrator, and the arbitrator's award will not become a judgment of the court unless all parties agree. Parties must pay the arbitrator's normal fees.

Binding arbitration is different from judicial or private non-binding arbitration because the arbitrator's decision is final. Parties give up their right to have a judge review their case later (except for reasons listed in California Code of Civil Procedure, Section 1286.2.) Binding arbitration rules are listed in California Code of Civil Procedure, Sections 1280-1288.8. Parties may also agree any time before the judge has made a decision that ends the case to switch to binding arbitration. Parties choose the arbitrator on their own, and must pay the arbitrator's normal (not \$150) fees.

#### SETTLEMENT MENTOR CONFERENCE

Settlement mentors are independent, experienced trial attorneys that a judge has assigned to help parties look for ways to settle their case. The conference is free and is held in the courthouse. It is often held on the morning of trial, but it can be scheduled anytime. These conferences usually last two or three hours. Parties do not present evidence and do not call witnesses. Parties can ask the settlement mentor to keep some information confidential (private) from the other party, but not from the judge. The settlement mentor can share any information with the judge, or involve the judge in settlement discussions. All principals, clients, and claims representatives must attend the settlement mentor conference.

#### **NEUTRAL CASE EVALUATION**

In neutral case evaluation, an independent attorney (evaluator) reviews documents and listens to each party's side of the case. The evaluator then tells the parties what they think could happen if the case went to trial. Many people use the evaluator's opinion to reach an agreement on their own, or use this information later in mediation or arbitration to settle their case.

Parties email, fax or visit the ADR Programs office to get a list of evaluators. After parties have agreed on an evaluator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the evaluator at least 5 court days before evaluation starts. ALL parties and their attorneys must go to neutral case evaluation. The evaluation can be held whenever and wherever the parties and the evaluator want, as long as they finish before the court deadline. If the parties go through the court's ADR program, evaluators do not charge any fees for the first half hour spent scheduling or preparing for the evaluation conference. They also do not charge fees for the first two hours of the evaluation. If parties need more time, they must pay that evaluators regular fees. Some evaluators ask for a deposit before evaluation starts. Evaluators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the evaluation. A party whose court fees have been waived (cancelled) may ask if their evaluation fees or deposit can be waived.

#### **TEMPORARY JUDGE**

Some parties want a trial, but want to choose who will decide the case and when the trial will take place. Parties can agree on an attorney that they want the court to appoint as a temporary judge for their case. (See Article 6, Section 21 of the State Constitution and Rule 2.830 of the California Rules of Court.) Temporary judges have nearly the same authority as a superior court judge to conduct a trial and make decisions. As long as the parties meet the court deadline, they can schedule the trial at their own and the temporary judge's convenience.

Each of the temporary judges on the court's panel has agreed to serve at no charge for up to 5 court days. If the parties need more time, they must pay that person's regular fees. All parties and their lawyers must attend the trial, and provide a copy of all briefs or other court documents to the temporary judge at least two weeks before the trial. These trials are similar to other civil trials, but are usually held outside the court. The temporary judge's decision can be appealed to the superior court. There is no option for a jury trial. The parties must provide their own court reporter.

#### SPECIAL MASTER

A special master is a private lawyer, retired judge, or other expert appointed by the court to help make day-to-day decisions in a court case. The special master's role can vary, but often includes making decisions that help the discovery (information exchange) process go more smoothly. He or she can make decisions about the facts in the case. Special masters can be especially helpful in complex cases. The trial judge defines what the special master can and cannot do in a court order.

Special masters often issue both interim recommendations and a final report to the parties and the court. If a party objects to what the special master decides or reports to the court, that party can ask the judge to review the matter. In general, the parties choose (by stipulation) whom they want the court to appoint as the special master, but there are times (see California Code of Civil Procedure Section 639), when the court may appoint a special master or referee without the parties' agreement. The parties are responsible to pay the special master's regular fees.

#### **COMMUNITY MEDIATION SERVICES**

Mediation Services are available through non-profit community organizations. These low-cost services are provided by trained volunteer mediators. For more information about these programs contact the ADR Program at adveb@contracosta.courts.ca.gov

# Exhibit B

Exhibit B

1 2 3 4	SEYFARTH SHAW LLP Bryan O'Keefe ( <i>Pro Hac Vice Application Fo</i> bokeefe@seyfarth.com 975 F Street, NW Washington, DC 20004 Telephone: (202) 463-2400 Facsimile: (202) 828-5393	orthcoming)				
5	SEYFARTH SHAW LLP Pamela L. Vartabedian (SBN 251133)					
7	pvartabedian@seyfarth.com 560 Mission Street, 31st Floor San Francisco, California 94105 Telephone: (415) 397-2823					
9	Facsimile: (415) 397-8549  Attorneys for Defendant IOX, LLC By Remprex, LLC					
11	SUPERIOR COURT OF THE STATE OF CALIFORNIA					
12 13		UNTY OF CONTRA COSTA				
14	DANIEL BRADSHAW,	) Case No. C22-00422				
15	Plaintiff,	)				
16	v.	) NOTICE TO PLAINTIFF AND STATE				
17 18	FRANCO HERRERA, IOX, LLC BY REMPREX, LLC and DOES 1 TO 20,	) COURT OF REMOVAL TO THE ) NORTHERN DISTRICT OF ) CALIFORNIA				
19	Defendants.	)				
20		)				
21		)				
22						
23						
24						
25						
26						
27						
28						

NOTICE TO PLAINTIFF AND STATE COURT OF REMOVAL TO THE NORTHERN DISTRICT OF CALIFORNIA / CASE NO. C22-00422

## 

1	PLEASE TAKE NOTICE that this case, which was previously pending in the Superior Court of				
2	California, County of Contra Costa, has been removed to the United States District Court for the				
3	Northern of California by the Defendant IOX, LLC By Remprex, LLC, pursuant to 28 U.S.C. §§ 1331				
4	and 1446. A copy of the Notice of Removal, filed with the United States District Court for the Northern				
5	District of California, is attached hereto as <b>Exhibit A</b> .				
6	PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446(d), this Court "shal				
7	proceed no further unless and until the case is remanded."				
8					
9	DATED: April 8, 2022 SEYFARTH SHAW LLP				
10					
11	By /s/ Pamela L. Vartabedian Bryan O'Keefe ( <i>Pro Hac Vice Application</i>				
12	forthcoming) Pamela L. Vartabedian				
13	Attorneys for Defendant				
14	IOX, LLC By Remprex, LLC				
15					
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#### **PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 560 Mission Street, 31st Floor, San Francisco, California 94105. On April 8, 2022, I served the within document(s):

NOTICE TO PLAINTIFF AND	STATE COURT	OF REMOVAL TO	THE NORTHERN
DIS	STRICT OF CAL	LIFORNIA	

	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid in the United States mail at San Francisco, California, addressed as set forth below.
	by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
×	by placing the document(s) listed above in a sealed envelope or package provided by Federal Express with postage paid on account and deposited for collection with FedEx at San Francisco, California, addressed as set forth below.
	by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth below.

Gary B. Roth, Esq. BOXER & GERSON LLP 300 Frank H. Ogawa Plaza, Suite 500 Oakland, CA 94612 Telephone: (510) 835-8870 Facsimile: (510) 835-0415

groth@boxerlaw.com

Attorneys for Plaintiff DANIEL BRADSHAW

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 8, 2022, at San Francisco, California.

Jennifer Doctor

PROOF OF SERVICE 1 2 I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 560 Mission Street, 31st Floor, San Francisco, California 94105. 3 On April 8, 2022, I served the within document(s): DEFENDANT IOX, LLC BY REMPREX, LLC'S NOTICE OF REMOVAL 4 5 by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth below. 6 by personally delivering the document(s) listed above to the person(s) at the address(es) set forth 7 below. 8 by placing the document(s) listed above in a sealed envelope or package provided by Federal Express with postage paid on account and deposited for collection with FedEx at San Francisco, 9 California, addressed as set forth below. by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth 10 below. 11 12 Gary B. Roth, Esq. 13 **BOXER & GERSON LLP** 300 Frank H. Ogawa Plaza, Suite 500 14 Oakland, CA 94612 Telephone: (510) 835-8870 15 Facsimile: (510) 835-0415 16 groth@boxerlaw.com 17 Attorneys for Plaintiff DANIEL BRADSHAW 18 19 I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with 20 postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day 21 after date of deposit for mailing in affidavit. 22 I declare under penalty of perjury under the laws of the State of California that the above is true and correct. 23 Executed on April 8, 2022, at San Francisco, California. 24 Jennifer Doctor 25 26 27 28